

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Kathy Bell,

Case No. 24-CV-2883 (KMM/JFD)

Plaintiff,

v.

**ORDER**

Goodman Group,

Defendant.

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This matter is before the Court on Plaintiff Kathy Bell's Application to Proceed in District Court Without Prepaying Fees or Costs. (*See* Dkt. No. 2 ("IFP Application").) For the following reasons, the Court denies the IFP Application without prejudice; Ms. Bell must either submit a new application or pay this action's filing fee.

"The central question [when assessing an IFP] is whether the movant can afford the costs of proceeding without undue hardship or deprivation of the necessities of life." *Ayers v. Tex. Dep't of Crim. Justice*, 70 F.3d 1268, 1268 (5th Cir. 1995) (per curiam) (citing *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339–40 (1948)); *see also, e.g., Cox v. Comm'r of Dep't of Hum. Servs.*, No. 24-CV-1683 (JRT/DLM), 2024 WL 3071484, at \*1 (D. Minn. June 20, 2024) (quoting *Ayers*-reliant caselaw). The IFP Application is not entirely clear, but appears to say that Ms. Bell has earned \$39,424 in the past 12 months, and plans to earn \$3,891 in the next month. (*See* IFP Appl. at 1.) The IFP Application also indicates that Ms. Bell is unmarried and has no dependents. (*See id.* at 1–3.) Given these

factors, the Court cannot conclude that paying this action's filing fee would cause Ms. Bell undue hardship or deprive her of life's necessities.

The Court therefore denies the IFP Application. This denial is without prejudice—in other words, Ms. Bell may reapply if she believes that information missing from the present IFP Application would affect the Court's decision. Otherwise, she will need to pay this action's filing fee. If she does neither within 21 days of this Order's date, the undersigned will recommend dismissing this action without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

### **ORDER**

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff Kathy Bell's Application to Proceed in District Court Without Pre-paying Fees or Costs (Dkt. No. 2) is **DENIED** without prejudice.
2. Within 21 days of this Order's date, Ms. Bell must either (1) pay this action's filing fee or (2) submit a new application to proceed *in forma pauperis* in this action. If she does neither, this action will be recommended for dismissal under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: July 24, 2024

s/ John F. Docherty  
JOHN F. DOCHERTY  
United States Magistrate Judge